IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 2260 OF 2007

Mr.Kishorkumar Babubhai. ... Applicant.

V/s.

The Union Territory of India and others. ... Respondents.

Prosper D'Souza for the applicant.

D.A.Nalavade for respondent No.1.

Ms.S.D.Shinde, APP for respondent No.-2 State.

None for respondent No.3.

CORAM: V.C.DAGA, J.

DATED: 9th August 2007.

P.C.:

. Heard learned counsel for the applicant, learned counsel for respondent and learned A.P.P. for respondent No.2- State. None for respondent No.3 in spite of service.

2. This application is under section 438 of Code of Criminal Procedure, 1973. The applicant is apprehending his arrest in C.R.No.30/2007 registered with Diu Police Station, Diu for the offences punishable under section 498A, 494, 497 read with section 34 and 114 of Indian Penal Code on the basis

of the complaint filed by Smt.Yashavanti Somvar.

3. The complainant has alleged that the applicant was a married person and he again married with the complainant during subsistence of his first marriage. If the allegations made in the complaint are taken into consideration, then provisions of sections 498A and 497 would not get attracted. At the most section 494 may be applicable on the basis of the complaint filed. In the above view of the matter, I am inclined to grant pre-arrest bail to the applicant, subject to the following conditions:

(a) in the event of arrest of the applicant in connection with C.R.No.30/2007 registered with Diu Police Station he shall be released on bail of Rs.10,000/- with one or two sureties to make up the said amount.

(b) that the applicant shall report to Diu Police Station as when called and shall co-operate with the investigating agency.

(c) The applicant shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(d) This order of anticipatory bail shall operate till the filing of the chargesheet. After filing of chargesheet, it would be open for the applicant to apply for regular bail before regular court.

(e) It is needless to mention that breach of any of the conditions by the applicant shall result in cancellation of bail.

4. Application stands disposed of accordingly.

JUDGE